



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

AUG 29 2014'

Mr. Steve Cadue, Chairman
Kickapoo Tribe in Kansas
1107 Goldfinch Road
Horton, Kansas 66439

Re: Public Drinking Water System Monitoring Requirements
Federal ID No.: 070000002

Notice of Violation

Dear Chairman Cadue:

The Kickapoo Tribe operates a Public Water System, as defined by the Safe Drinking Water Act, Code of Federal Regulations 40 CFR 141. The U.S. Environmental Protection Agency, Region 7, is the Primacy Agency tasked with oversight of the Kickapoo Tribal Public Water System. Every Public Water System in the United States is required to perform regular testing of its drinking water to make sure it is safe for human consumption.

This letter is to notify you of violations of the Safe Drinking Water Act, as follows:

**Violation Maximum Contaminant Level Exceedance of Running Annual Average –
Stage 1 Disinfection Byproducts Rule 40 CFR § 141.133(b)(ii), Total Trihalomethanes:**

The SDWA sets a Maximum Contaminant Level of 80 micrograms/liter of Total Trihalomethanes in drinking water, based on a running annual average. The running annual average calculated, with this quarter's sample results included in the calculation, is 81 micrograms/liter.

As a result of this violation, the regulations require the following actions:

- 1) Per the regulation at 40 CFR §141.203, the Kickapoo Tribe PWS shall, within 30 days after learning of the violation, provide by mail or other direct delivery to customers a Public Notice. In order to reach persons who would not normally be reached by direct delivery, the Public Notice should also be posted in public places such as Tribal offices, Health Clinic, Senior Housing, Senior Citizens Center, and Trading Post, or distributed by any other method reasonably calculated to reach such persons. The Notice describes the Total Trihalomethane MCL exceedance.
- 2) Per the regulation at 40 CFR § 141.31, the Kickapoo Tribe PWS must within 10 days of completing the public notification requirements submit to the EPA a certification that it has fully complied with the public notification regulations. Such certification should include a representative copy of each type of notice distributed, published, posted and made available to the person served by the PWS.
Please submit this notification to:

U.S. Environmental Protection Agency
Region 7
ATTN: Kimberly Willis
WWPD/DRWM
11201 Renner Boulevard
Lenexa, Kansas 66219

For your convenience a Public Notice and a blank Certificate of Delivery form are enclosed. Please note, on the Public Notice, the Corrective Actions section must be filled out prior to posting. The Public Notice enclosed may be used both for posting or for providing to customers.

In addition to the above-referenced violation, the EPA is also concerned about the increase of Disinfection Byproducts in the Kickapoo Tribal Public System. The concentration of both Disinfection Byproducts (Total Trihalomethane and Haloacetic Acid) has been increasing steadily. A chart below shows the increasing trends in the Quarterly Running Annual Average since the first quarter 2012. The TTHM Maximum Contaminant Level for the Running Annual Average is 80 ug/L. The HAA5 Maximum Contaminant Level for the Running Annual Average is 60 ug/L. The MCL violations are highlighted violations in yellow below.

Quarter	TTHM	HAA5
2012Q1	33.5	29.8
2012Q2	33.0	29.8
2012Q3	42.3	28.1
2012Q4	51.0	48.0
2013Q1	55.8	47.7
2013Q2	53.4	55.6
2013Q3	52.2	61.3
2013Q4	56.9	43.1
2014Q1	72.8	53.1
2014Q2	81.2	50.9

If you have questions on this letter and to confirm the acceptance of the meeting on August 27, 2014, please contact Kimberly Willis at willis.kimberly@epa.gov or by telephone at (913) 551-7069.

Sincerely,



Karen Flournoy, Division Director
Water, Wetlands and Pesticides Division

Enclosures

cc: Sylvia Barnett, Executive Director
Jim Conklin, Water Plant Lead Operator
Lyle Setwyn, Indian Health Service
Lonnie Boeller, KS Rural Water

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Total Trihalomethanes (TTHM) MCL Violation at Kickapoo Tribal Public Water System

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did (are doing) to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results from April-June 2014 show that our system exceeds the standard, or maximum contaminant level (MCL), for TTHM. The standard for TTHM is 80 micrograms/Liter. It is determined by averaging all samples collected by our system for the last 12 months. The level of TTHM averaged at our system was 81 micrograms/Liter.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water.

What does this mean?

This is not an emergency. If it had been an emergency, you would have been notified within 24 hours.

TTHM are four volatile organic chemicals which form when disinfectants react with natural organic matter in the water.

People who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.

What is being done?

Corrective Action: _____

We anticipate resolving the problem within _____

For more information please contact Jim Conklin, Water Plant Operator 785-486-2140 or by mail at 1107 Goldfinch Road, Horton, KS 66439.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Kickapoo Tribal Public Water System EPA Water System ID#: 070000002.

Date distributed: _____

CERTIFICATE OF DELIVERY

PWS NAME: Kickapoo Tribal Water System

EPA ID No.: 07000000002

For violations: MCL Violation of Running Annual Average of Total Trihalomethane Acids

Occurring on: April-June 2014

The public water system indicated above, hereby affirms that public notice has been provided to consumers in accordance with delivery, content, and format requirements and deadlines in 40 CFR Part 141, Subpart Q.

Consultation with primacy agency (if required) on: _____
(insert date) (name of EPA staff contacted)

Notice posted at _____
(insert locations) (insert date)

Notice distributed by _____
(insert method) (insert date)

Attached: A copy of all public notices used to reach customers is required to accompany this "Certificate of Delivery."

Signature of official agent, owner or manager/operator

Date

Contents of Notice

All public notices must include a clear and readily understandable explanation of each violation or situation and must address the following (10) elements:

1. Description of the violation or situation including contaminants(s) of concern and (as applicable) the contaminant level(s);
2. When the violation or situation occurred;
3. Any potential adverse health effects from the violation or situation, using standard language provided in the rule;
4. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
5. Whether alternate water supplies should be used;
6. What actions consumers should take, including when to seek medical help, if known;
7. What the system is doing to correct the violation or situation;
8. When the system expects to return to compliance or solve the situation;
9. Contact information: name ,business address, and phone number of the water system owner, operator, or designee of the Public Water System that can provide additional information; and
10. A statement encouraging notice recipients to distribute the notice to other persons served by the water system.

